

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Case No. 22-cr-294 (JNE/TNL)

Plaintiff,

v.

**ORDER**

Roman Gabriel Prescott, Jr.,

Defendant.

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This matter comes before the Court on Defendant Roman Gabriel Prescott, Jr.’s Motion for Extension of Time to File Motions, ECF No. 18. Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act, ECF No. 20. Defendant requests that the motions-filing date be extended by 14 days to December 19, 2022. “Defense counsel forwarded the discovery to . . . [D]efendant before Thanksgiving break but was notified late last week by the Sherburne County Jail that the discovery flash drive had been lost.” ECF No. 18 at 1. Defendant requests additional time to review discovery and consult with counsel. By e-mail correspondence, the Government indicated that it had no objection to Defendant’s request.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties’ resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Extension of Time to File Motions, ECF No. 18, is **GRANTED**.

2. The period of time from **December 5 through December 19, 2022**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **December 19, 2022**. *See* D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Tony N. Leung.

4. **Counsel must electronically file a letter on or before December 19, 2022, if no motions will be filed and there is no need for hearing.**

5. All responses to motions must be filed by **January 9, 2023**. *See* D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses must be filed by **January 9, 2023**. *See* D. Minn. LR. 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses must be filed by **January 12, 2023**. *See* D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and a defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **January 23, 2023, at 9:30 a.m.**, in Courtroom 9W, Diana E. Murphy United States Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota. *See* D. Minn. LR 12.1(d).

10. **The trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Joan N. Ericksen to confirm the new trial date.**

Dated: December 8, 2022

*s/ Tony N. Leung*  
TONY N. LEUNG  
United States Magistrate Judge  
District of Minnesota

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